

रजिस्टर्ड नं० ल०-३३/एस० एम० १४.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, वीरवार, १४ दिसम्बर, १९८९/२३ अग्रहायण, १९११

हिमाचल प्रदेश सरकार

हिमाचल प्रदेश विधान सभा सचिवालय

अधिसूचना

शिमला-४, १२ दिसम्बर, १९८९

संख्या १-३८/८९-वि० स०.—हिमाचल प्रदेश विधान सभा प्रक्रिया एवं कार्य संचालन नियमावली, १९७३ के नियम १३५ के अन्तर्गत पंजाब आबकारी (हिमाचल प्रदेश प्रथम संशोधन) विधेयक, १९८९ (१९८९ का विधेयक

२९५९-राजपत्र/८९-१४-१२-८९—११८४.

(२८९३)

मूल्य १.०० रुपया।

संख्यांक 14) जो दिनांक 12 दिसम्बर, 1989 को हिमाचल प्रदेश विधान सभा में पुरःस्थापित हो गया है, सर्व-साधारण की सूचनार्थ राजपत्र में मुद्रित करन हेतु प्रेषित किया जाता है।

लक्ष्मण सिंह,
सचिव।

पंजाब आबकारी (हिमाचल प्रदेश प्रथम संशोधन) विधेयक, 1989

(विधान सभा में यथा पुरःस्थापित)

पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 5 के अधीन हिमाचल प्रदेश में जोड़े गए क्षेत्रों में यथा प्रवृत्त पंजाब आबकारी अधिनियम, 1914 (1914 का पंजाब अधिनियम सं 0 1) में और संशोधन करने के लिए विधेयक।

भारत गणराज्य के चालीसवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

1. इस अधिनियम का संक्षिप्त नाम पंजाब आबकारी (हिमाचल प्रदेश प्रथम संशोधन) अधिनियम, 1989 है।

संक्षिप्त नाम।

2. पंजाब पुनर्गठन अधिनियम, 1966 (जिसे इसमें इसके पश्चात् मूल अधिनियम कहा गया है) की धारा 5 के अधीन हिमाचल प्रदेश में जोड़े गए क्षेत्रों में यथा लागू पंजाब आबकारी अधिनियम, 1914 की धारा 3 में—

धारा 3 का संशोधन।

(क) खण्ड 4 का लोप किया जाएगा ;

(ख) खण्ड 13 की मद् (iv) में “the Dangerous Drugs Act, 1930” शब्दों और अंकों के स्थान पर “the Narcotic Drugs and Psychotropic Substances Act, 1985” शब्द और अंक रखे जाएंगे।

3. मूल अधिनियम की धारा 7 में—

धारा 7 का संशोधन।

“the Sea Customs Act, 1878, the Cantonment Act, 1910, or the Indian Tariff Act, 1894”, शब्दों, चिह्नों और अंकों के स्थान पर “the Customs Act, 1962, the Cantonment Act, 1924, or the Customs Tariff Act, 1975” शब्द, चिह्न और अंक प्रतिस्थापित किए जाएंगे।

4. मूल अधिनियम की धारा 8 के खण्ड (b) में,—

धारा 8 का संशोधन।

(i) “Commissioner” और “division” शब्दों के स्थान पर क्रमशः “Collector” और “District” शब्द रख जाएंगे; और

(ii) खण्ड (c) का लोप किया जाएगा।

5. मूल अधिनियम की धारा 12 में,—

धारा 12 का संशोधन।

“and of the Excise Commissioner shall extend to the territories specified in sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966, the jurisdiction of Commissioners shall extend to their divisions” शब्दों, चिह्नों और अंकों के स्थान पर “shall extend to the territories specified in sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966” शब्द, चिह्न और अंक रखे जाएंगे।

1966 का 31
1914 का 1

1930 का 2

1985 का 61

1878 का 8
1910 का 15
1894 का 8
1962 का 52
1924 का 2
1975 का 51

1966 का 31

धारा 13 का संशोधन । 6. मूल अधिनियम की धारा 13 के खण्ड (a) में आये "or Commissioner" शब्दों और खण्ड (b) में आये चिन्ह और शब्द "Commissioner" का लोप किया जाएगा ।

धारा 15 का प्रतिस्थापन । 7. मूल अधिनियम की धारा 15 के स्थान पर निम्नलिखित रखी जाएगी, अर्थात्:—

"15. *Revision*.—(a) The Financial Commissioner may at any time revise any order passed by any excise officer subordinate to him.

(b) A Collector may call for the record of any case pending before, or disposed of by, any excise officer subordinate to him and, if he is of opinion that the proceedings taken or order made should be modified or reversed, he shall report the case with his opinion thereon for the orders of the Financial Commissioner:

Provided that the Financial Commissioner shall not under this section pass an order revising or modifying any proceeding or order of a subordinate excise officer and effecting any person without giving such person an opportunity of being heard."

धारा 24 का संशोधन । 8. मूल अधिनियम की धारा 24 की उप-धारा (2) के स्थान पर निम्नलिखित रखी जाएगी:—

"(2) Sub-section (1) shall not apply to any intoxicant in the possession of any excise officer, common carrier or warehouse-man as such."

धारा 26 का संशोधन । 9. मूल अधिनियम की धारा 26 की उप-धारा (3) में आये "except Part B States" शब्दों और अक्षरों का लोप किया जाएगा ।

धारा 30 का संशोधन । 10. मूल अधिनियम की धारा 30 में,—

(क) विद्यमान हाशिये शीर्ष के स्थान पर निम्नलिखित शीर्ष रखा जाएगा, अर्थात्:—

"Prohibition of employment of children and of men under the age of twenty-one years and of woman; और

(ख) "any woman", शब्दों के पश्चात् "or any child" शब्द अन्तःस्थापित किए जाएंगे ।

धारा 31 का संशोधन । 11. मूल अधिनियम की धारा 31 के विद्यमान परन्तुक के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

"Provided that the duty shall not be so imposed on any article which has been imported into India and was liable on importation to duty under the Customs Tariff Act, 1975, or the Customs Act, 1962."

1975 का 51
1962 का 52

धारा 36 का संशोधन । 12. मूल अधिनियम की धारा 36 में,—

(क) खण्ड (d) में "the Dangerous Drugs Act, 1930, or under the Merchandise Marks Act, 1889" शब्दों, चिन्हों और अंकों के स्थान पर "the Narcotic Drugs and Psychotropic

1930 क
1889 क

- 1985 का 61 Substances Act, 1985 or under the Trade and Mer-
1958 का 43 chandise Marks Act, 1958" शब्द, चिन्ह और अंक रखे जाएंगे; और
- 1878 का 8 (ख) खण्ड (e) में "clause (8) of section 167 of the Sea
Customs Act, 1878" शब्दों, चिन्हों और अंकों के स्थान पर "section
1962 का 52 135 of the Customs Act, 1962" शब्द, चिन्ह और अंक रखे जाएंगे।
- 1878 का 1 13. मूल अधिनियम की धारा 37 में, "the Opium Act, 1878" शब्दों, चिन्हों
और अंकों के स्थान पर "the Narcotic Drugs and Psychotropic
1985 का 61 Substances Act, 1985" शब्द, चिन्ह और अंक रखे जाएंगे। धारा 37 का
संशोधन।
- 1898 का 5 14. मूल अधिनियम की धारा 46 की उप-धारा (2) में "XIV of the Code of
Criminal Procedure, 1898" शब्दों, चिन्हों और अंकों के स्थान पर "XII
1974 का 2 of Code of Criminal Procedure, 1973" शब्द, चिन्ह और अंक रखे
जाएंगे। धारा 46 का
संशोधन।
15. मूल अधिनियम की धारा 50 में "1898" अंकों के स्थान पर "1973"
अंक रखे जाएंगे। धारा 50 का
संशोधन।
16. मूल अधिनियम की विद्यमान धारा 57 के स्थान पर निम्नलिखित रखी जाएगी,
अर्थात्:— धारा 57 का
संशोधन।
- "57. *Protection of action taken in good faith.*—No suit, prosecution
or other legal proceeding shall lie against the State Government or any
officer of the State Government or any other person exercising any
power or discharging any functions or performing any duties under this
Act, for anything in good faith done or ordered to be done or intended
to be done under this Act or any rule or order made thereunder or under
any other law for the time being in force relating to the excise revenue."
17. मूल अधिनियम की धारा 59 के खण्ड (f) के उप-खण्ड (iii) के पश्चात् धारा 59 का
निम्नलिखित नया उप-खण्ड (iii-a) जोड़ा जाएगा, अर्थात्:— संशोधन।
- "(iii-a) the price above which any intoxicant shall not be sold or supplied";
18. मूल अधिनियम की धारा 61 में,— धारा 61 का
संशोधन।
- (i) उप-धारा (1) में "two thousand rupees and if found in
possession of working still for the manufacture of any
intoxicant shall be punishable with the minimum
sentence of six months imprisonment and fine of
two hundred rupees." शब्दों और चिन्हों के स्थान पर "five
thousand rupees;" शब्द और चिन्ह रखे जाएंगे; और
- (ii) उप-धारा (1) में निम्नलिखित परन्तु जोड़ा जाएगा, अर्थात्:—
- "Provided that in the case of an offence relating to the possession of—
- (i) a working still for the manufacture of any intoxicant, such
imprisonment shall not be less than one year and such fine shall
not be less than five thousand rupees;

- (ii) lahan, such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees;
- (iii) country liquor manufactured otherwise than in a licensed distillery in Himachal Pradesh, in a quantity not exceeding ten bottles, each bottle containing 750 millilitres, such imprisonment shall not be less than three months and such fine shall not be less than five hundred rupees; and in a quantity exceeding ten bottles of the aforesaid capacity, such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees;
- (iv) foreign liquor other than—

- (a) manufactured in a licensed distillery or brewery in India; or
 (b) imported into India on which custom duty is leviable under the Customs Tariff, Act, 1975, or the Customs Act, 1962;

1975 का
51
1962 का
52

such imprisonment shall not be less than six months and such fine shall not be less than two thousand rupees."

धारा 62 का
संशोधन ।

19. मूल अधिनियम की धारा 62 में,—

- (i) हाशिया शीर्ष में,—
 "Penalty for contravention of sections 29 and 30 etc.";
- (क) "twenty-five" शब्दों के स्थान पर "twenty-one" शब्द रखे जाएंगे; और
- (ख) "women" शब्द के पश्चात् "or children" शब्द जोड़े जाएंगे;
- (ii) खण्ड (ए) में "twenty-five" शब्दों के स्थान पर "twenty-one" शब्द रखे जाएंगे;
- (iii) खण्ड (बी) में "any man under the age of twenty-five years or women" शब्दों के स्थान पर "any man under the age of twenty-one years or woman or any child" शब्द रखे जाएंगे;
- (iv) खण्ड (ई) में "five-hundred" शब्द के स्थान पर "two thousand" शब्द रखे जाएंगे ।

धारा 63 का
संशोधन ।

20. मूल अधिनियम की धारा 63 में "one year" और "one thousand" शब्दों के स्थान पर क्रमशः "five years" और "five thousand" शब्द रखे जाएंगे ।

धारा 64 का
संशोधन ।

21. मूल अधिनियम की धारा 64 में "three months" और "five hundred" शब्दों के स्थान पर क्रमशः "one year" और "two thousand" शब्द रखे जाएंगे ।

धारा 66 का
संशोधन ।

22. मूल अधिनियम की धारा 66 में,—

- (क) उप-धारा (i) में "three months and with fine which may extend to one thousand rupees" शब्दों के स्थान पर "one year and with fine which shall not be less than two thousand rupees" शब्द रखे जाएंगे; और
- (ख) उप-धारा (2) में "two hundred", शब्दों के स्थान पर "two thousand" शब्द रखे जाएंगे ।

23. मूल अधिनियम की धारा 68 में "two hundred rupees" शब्दों के स्थान पर "one thousand rupees" शब्द रखे जाएंगे। धारा 68 का संशोधन।

24. मूल अधिनियम की धारा 68-ए में,—

धारा 68-ए का संशोधन

(क) प्रथम परन्तुक में "three years and a fine of two thousand rupees" शब्दों के स्थान पर "five years and a fine of five thousand rupees" शब्द रखे जाएंगे; और

(ख) द्वितीय परन्तुक में "three years" शब्दों के स्थान पर "five years" शब्द रखे जाएंगे।

25. मूल अधिनियम की धारा 69-ए की उप-धारा (2) और धारा 71 में "1898" शब्दों के स्थान पर, जहाँ भी ये शब्द आये हैं "1973" शब्द रखे जाएंगे। धारा 69-ए और 71 का संशोधन।

26. मूल अधिनियम की धारा 72 में,—

धारा 72 का संशोधन।

(क) "1898" शब्दों के स्थान पर "1973" शब्द रखे जाएंगे; और

(ख) विद्यमान परन्तुक के स्थान पर निम्नलिखित परन्तुक रखा जाएगा; अर्थात् :—

"Provided that the offences punishable under clauses (i) and (ii) of the proviso to sub-section (1) of section 61 and of possession of country liquor and foreign liquor in a quantity exceeding ten bottles of 750 millilitres capacity each, punishable under clauses (iii) and (iv) of the proviso to sub-section (1) of section 61 shall be non-bailable".

27. मूल अधिनियम की धारा 73 की उप-धारा (4) में,—

धारा 73 का संशोधन।

"sections 499 to 502, 513, 514 and 515 of the Code of Criminal Procedure, 1898" शब्दों, चिन्हों और शब्दों के स्थान पर "Chapter XXXIII of the Code of Criminal Procedure, 1973" शब्द, चिन्ह और शब्द रखे जाएंगे।

उद्देश्यों और कारणों का कथन

पंजाब आबकारी अधिनियम, 1914, हिमाचल के पुराने क्षेत्रों में (अर्थात् वे क्षेत्र जो हिमाचल प्रदेश में 1 नवम्बर, 1936 से ठीक पूर्व समाविष्ट थे), हिमाचल प्रदेश (विधियों का लागू होना) आदेश, 1948 और बिलायपुर (विधियों का लागू होना) आदेश, 1949 द्वारा लागू है और पंजाब राज्य में 1 नवम्बर, 1966 तक यथा संशोधित पंजाब आबकारी अधिनियम, 1914, नये क्षेत्रों में (अर्थात् पुनर्गठन अधिनियम, 1966 की धारा 5 के अधीन हिमाचल प्रदेश में जोड़े गए क्षेत्र) लागू हैं। एकरूपता लाने की दृष्टि से सम्स्त राज्य के लिए इस विषय में एकीकृत विधि का होना आवश्यक है। संविधान के अनुच्छेद 277 में यह उपबन्ध है कि ऐसा कर जो इस संविधान के प्रारम्भ से ठीक पहले राज्य सरकार या अन्य स्थानीय प्राधिकरण द्वारा विधिपूर्वक उद्गृहीत किया जा रहा था इस बात के होते हुए भी कि वह कर संघ सूची में वर्णित है, तब तक उद्गृहीत किया जाता रहेगा जब तक कि संसद विधि द्वारा प्रतिकूल उपबन्ध नहीं करती है। पंजाब आबकारी अधिनियम की धारा 16 में यह उपबन्ध है कि किसी भी मादक द्रव्य का, शुल्क के संदाय के पश्चात् के सिवाय, आयात या निर्यात नहीं किया जाएगा। पंजाब आबकारी अधिनियम के पुनः अधिनियमित किए जाने की दशा में राज्य सरकार को, पूर्वोक्त अधिनियम की धारा 16 के अधीन अधिरूपित आयात या निर्यात शुद्ध/फीस के उद्ग्रहण से प्रोदभूत राजस्व की पर्याप्त मात्रा से, वंचित होना पड़ेगा। अतः हिमाचल प्रदेश में 1 नवम्बर, 1966 को, पंजाब पुनर्गठन अधिनियम, 1966 की धारा 5 के अधीन जोड़े गए क्षेत्रों में लागू, पंजाब आबकारी अधिनियम, 1914 को बनाए रखना और उसमें संशोधन करना आवश्यक हो गया है।

पंजाब आबकारी अधिनियम, 1914 में निर्दिष्ट कई अधिनियमितियों को निरसित और पुनः अधिनियमित किया गया है अतः अधिनियम में पुनः अधिनियमित उपबन्धों के निर्देशों का शुद्धिकरण किया जाना अपेक्षित है।

विद्यमान शास्तियों की स्कीम बहुत पहले बनाई गई थी और यह वर्तमान सन्दर्भ में, रुपये के धीरे-धीरे क्षय होते मूल्य से, अप्रगत हो गई है। बहुत से उपबन्धों का निवारक प्रभाव अत्यधिक क्षीण हो गया है। अधिनियम के उपबन्धों को अधिक प्रभावी और निवारक बनाने के लिए शास्तियों की प्रमात्रा को बढ़ाना आवश्यक हो गया है।

यह विधेयक उपर्युक्त उद्देश्यों की पूर्ति के लिए है।

शिमला,
12 दिसम्बर, 1989.

राज कृष्ण गौड़,
प्रभारी मन्त्री।

वित्तीय जापन

विधेयक में नये कर/शुल्क उद्गृहीत करने का प्रस्ताव नहीं है। विधेयक के उपबन्धों के अधिनियमित होने पर उन्हें विद्यमान सरकारी तंत्र द्वारा लागू किया जायेगा। अतः राज्य सरकार को न तो कोई अतिरिक्त आय होगी और न ही कोई अतिरिक्त व्यय अन्तर्वर्जित होगा।

प्रत्यायोजित विधान सम्बन्धी जापन

विधेयक के खण्ड 17 द्वारा धारा 59 में संशोधन करके वित्त आयुक्त को ऐसा मूल्य नियत करने के नियम बनाने के लिए सशक्त करना है जिससे अधिक पर; मादक द्रव्यों को बेचा नहीं जा सकता है या उनका प्रदाय नहीं किया जा सकता है। प्रस्तावित प्रत्यायोजन आवश्यक और सामान्य है।

AUTHORITATIVE ENGLISH TEXT

Bill No. 14 of 1989

THE PUNJAB EXCISE (HIMACHAL PRADESH FIRST AMENDMENT) BILL, 1989

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

**A
BILL**

further to amend the Punjab Excise Act, 1914 (Punjab Act No. 1 of 1914) as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fortieth Year of the Republic of India as follows:—

1. This Act may be called the Punjab Excise (Himachal Pradesh First Amendment) Act, 1989. Short title.

2. In section 3 of the Punjab Excise Act, 1914, as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (hereinafter called the principal Act)— Amendment of section 3.

(a) clause (4) shall be omitted; and

(b) in item (iv) of clause (13) for the words and figures "the Dangerous Drugs Act, 1930", the words and figures "the Narcotic Drugs and Psychotropic Substances Act, 1985", shall be substituted.

3. In section 7 of the principal Act, for the words, signs and figures "the Sea Customs Act, 1878, the Cantonment Act, 1910, or the Indian Tariff Act, 1894", the words, signs and figures "the Customs Act, 1962, the Cantonment Act, 1924, or the Customs Tariff Act, 1975" shall be substituted. Amendment of section 7.

4. In clause (b) of section 8 of the principal Act—

(i) for the words "Commissioner" and "Division", the words "Collector" and "district" shall respectively be substituted; and

(ii) clause (c) shall be omitted. Amendment of section 8.

5. In section 12 of the principal Act, for the words, signs and figures "and of the Excise Commissioner shall extend to the territories specified in sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966. the jurisdiction of Commissioners shall extend to their divisions", the words, signs and figures "shall extend to the territories specified in sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966" shall be substituted. Amendment of section 12.

6. The words "or Commissioner" occurring in clause (a), and the sign and word, "Commissioner" occurring in clause (b), of section 13 of the principal Act shall be omitted. Amendment of section 13.

Substitution of section 15. 7. For section 15 of the principal Act, the following shall be substituted, namely:—

- "15. *Revision*.—(a) The Financial Commissioner may at any time revise any order passed by any excise officer subordinate to him.
(b) A Collector may call for the record of any case pending before or disposed of by, any excise officer subordinate to him and, if he is of opinion that the proceedings taken or order made should be modified or reversed, he shall report the case with his opinion thereon for the orders of the Financial Commissioner :

Provided that the Financial Commissioner shall not under this section pass an order revising or modifying any proceeding or order of a subordinate excise officer and affecting any person without giving such person an opportunity of being heard."

Amendment of section 24. 8. For sub-section (2) of section 24 of the principal Act, the following shall be substituted, namely:—

- "(2) Sub-section (1) shall not apply to any intoxicant in the possession of any excise officer, common carrier or warehouseman as such."

Amendment of section 26. 9. The words and letter "except Part B States" occurring in sub-section (3) of section 26 of the principal Act, shall be omitted.

Amendment of section 30. 10. In section 30 of the principal Act,—

- (a) for the existing marginal heading, the following shall be substituted, namely:—

"Prohibition of employment of children and of men under the age of twenty-one years and of woman; and

- (b) for the words and figure, "any man under the age of 25 years or any woman", the words "any man under the age of twenty-one years or any woman or any child" shall be substituted.

Amendment of section 31. 11. For the existing proviso to section 31 of the principal Act, the following shall be substituted, namely:—

"Provided that the duty shall not be so imposed on any article which has been imported into India and was liable on importation to duty under the Customs Tariff Act, 1975, or the Customs Act, 1962."

51 of 1975.
52 of 1962.

Amendment of section 36. 12. In section 36 of the principal Act,—

- (a) in clause (d), for the words, signs and figures "the Dangerous Drugs Act, 1930 or under the Merchandise Marks Act, 1889" the words, signs and figures "the Narcotic Drugs and Psychotropic Substances Act, 1985 or under the Trade and Merchandise Marks Act, 1958" shall be substituted; and

2 of 1930.
4 of 1889.
61 of 1985.
43 of 1958.

- 8 of 1878.
52 of 1962.
- (b) in clause (e), for the words, sign and figures "clause (8) of section 167 of the Sea Customs Act, 1878", the words, sign and figures "section 135 of the Customs Act, 1962" shall be substituted.
- 1 of 1878.
61 of 1985.
13. In section 37 of the principal Act, for the words, sign and figure "the Opium Act, 1878", the words, sign and figure "the Narcotic Drugs and Psychotropic Substances Act, 1985" shall be substituted. Amendment of section 37.
- 5 of 1898.
2 of 1974.
14. In sub-section (2) of section 46 of the principal Act, for the words, sign and figures "XIV of the Code of Criminal Procedure, 1898", the words, sign and figures "XII of the Code of Criminal Procedure, 1973", shall be substituted. Amendment of section 46.
15. In section 50 of the principal Act, for the figure "1898", the figure "1973" shall be substituted. Amendment of section 50.
16. For the existing section 57 of the principal Act, the following shall be substituted, namely:— Substitution of section 57.
- "57. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the State Government or any officer of the State Government or any other person exercising any power or discharging any functions or performing any duties under this Act, for anything in good faith done or ordered to be done or intended to be done under this Act or any rule or order made thereunder or under any other law for the time being in force relating to the excise revenue."
17. After sub-clause (iii) of clause (f) of section 59 of the principal Act, the following new sub-clause (iii-a) shall be inserted, namely:— Amendment of section 59.
- "(iii-a) the price above which any intoxicant shall not be sold or supplied;"
18. In section 61 of the principal Act,— Amendment of section 61.
- (i) in sub-section (1), for the words and signs, "two thousand rupees, and if found in possession of working still for the manufacture of any intoxicant shall be punishable with the minimum sentence of six months imprisonment and fine of two hundred rupees", the words and sign "five thousand rupees:" shall be substituted; and
- (ii) to sub-section (1), the following proviso shall be added, namely:—
- "Provided that in the case of an offence relating to the possession of—
- (i) a working still for the manufacture of any intoxicant, such imprisonment shall not be less than one year and such fine shall not be less than five thousand rupees;

- (ii) lahan, such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees;
- (iii) country liquor manufactured otherwise than in a licensed distillery in Himachal Pradesh, in a quantity not exceeding ten bottles, each bottle containing 750 millilitres, such imprisonment shall not be less than three months and such fine shall not be less than five hundred rupees; and in a quantity exceeding ten bottles of the aforesaid capacity, such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees;
- (iv) foreign liquor other than—

- (a) manufactured in a licensed distillery or brewery in India; or
- (b) imported into India on which custom duty is leviable under the Customs Tariff Act, 1975, or the Customs Act, 1962;

51 of 1975
52 of 1962.

such imprisonment shall not be less than six months and such fine shall not be less than two thousand rupees.”.

Amendment
of section
62.

19. In section 62 of the principal Act,—

(i) in marginal heading—

- (a) for the word “twenty-five”, the word “twenty-one” shall be substituted; and
- (b) after the word “women”, the words “or children” shall be added;

(ii) in clause (a) for the word “twenty-five”, the word “twenty-one” shall be substituted;

(iii) in clause (b), for the words “any man under the age of twenty-five years or women”, the words “any man under the age of twenty-one years or woman or any child” shall be substituted;

(iv) for the words “five hundred”, the words “two thousand” shall be substituted.

Amendment
of section
63.

20. In section 63 of the principal Act, for the words “one year” and “one thousand”, the words “five years” and “five thousand” shall respectively be substituted.

Amendment
of section
64.

21. In section 64 of the principal Act, for the words “three months” and “five hundred”, the words “one year” and “two thousand” shall respectively be substituted.

Amendment
of section
66.

22. In section 66 of the principal Act,—

- (a) in sub-section (1), for the words “three months and with fine which may extend to one thousand rupees”, the words “one year and with fine which shall not be less than two thousand rupees” shall be substituted; and
- (b) in sub-section (2), for the words “two hundred”, the words “two thousand”, shall be substituted.

23. In section 68 of the principal Act, for the words "two hundred rupees", the words "one thousand rupees" shall be substituted.

Amendment
of section
68.

24. In section 68-A of the principal Act,—

Amendment
of section
68-A.

(a) in the first proviso for the words "three years and a fine of two thousand rupees", the words "five years and a fine of five thousand rupees" shall be substituted; and

(b) in the second proviso for the words "three years", the words "five years", shall be substituted.

25. In sub section (2) of section 69-A and section 71 of the principal Act, for the figure "1898" wherever it occurs, the figure "1973" shall be substituted.

Amendment
of sections
69-A and
71.

26. In section 72 of the principal Act,—

Amendment
of section
72.

(a) for the figure "1898", the figure "1973" shall be substituted; and

(b) for the existing proviso, the following proviso shall be substituted, namely:—

"Provided that the offences punishable under clauses (i) and (ii) of the proviso to sub-section (1) of section 61 and of possession of country liquor and foreign liquor in a quantity exceeding ten bottles of 750 millilitres capacity each, punishable under clauses (iii) and (iv) of the proviso to sub-section (1) of section 61 shall be non-bailable."

27. In sub-section (4) of section 73 of the principal Act, for the words, figures and signs "sections 499 to 502, 513, 514 and 515 of the Code of Criminal Procedure, 1898", the words, sign and figures "Chapter XXXIII of the Code of Criminal Procedure, 1973", shall be substituted.

Amendment
of section
73.

STATEMENT OF OBJECTS AND REASONS

The Punjab Excise Act, 1914 is applicable to the old areas of Himachal (i.e. the areas which comprised in Himachal Pradesh immediately before the 1st day of November, 1966) by the Himachal Pradesh (Application of Laws) Order, 1948 and the Bilaspur (Application of Laws) Order, 1949 and the Punjab Excise Act, 1914 as amended in the Punjab State upto 1st November, 1966, is applicable to the new areas (i.e. areas added to Himachal Pradesh under section 5 of Re-organisation Act, 1966). With a view to bringing about uniformity, it is necessary to have unified law on the subject for the entire Himachal Pradesh. Article 277 of the Constitution of India provides that any tax which, immediately before the commencement of the Constitution, was being lawfully levied by the State Government or by any local authority, may, notwithstanding that tax is mentioned in the Union List, continue to be levied until provision to the contrary is made by the Parliament by law. Section 16 of the Punjab Excise Act, 1914 provides that no intoxicants shall be imported/exported except after the payment of duty. In case the Punjab Excise Act is re-enacted, the State Government may have to lose considerable revenue accruing to it on account of the levy of import/export duty/fee imposed under section 16 of the Act *ibid*. It has, therefore, become necessary to retain the Punjab Excise Act, 1914 in its application to the areas added to Himachal Pradesh on 1st November, 1966 under section 5 of the Punjab Re-organisation Act, 1966.

Many enactments referred to in the Punjab Excise Act, 1914 have been repealed and re-enacted and as such the references to re-enacted provisions in the Act are required to be corrected.

The scheme of existing penalties was devised much before and in the present day context has become incongruous with the eroding value of rupee. The deterrent effect of many of the provisions has grossly diluted. It has also become necessary to increase the quantum of penalties to make the provisions of the Act more effective and deterrent.

The Bill seeks to achieve the aforesaid objectives.

SHIMLA:

The 12th December, 1989.

RAJ KRISHAN GAUR,
Minister-in-charge.

FINANCIAL MEMORANDUM

The Bill does not propose to levy fresh taxes/duties. The provisions of the Bill, when enacted, are to be enforced through the existing Government machinery. As such there will be no extra income to the State Government and no additional expenditure will be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 seeks to amend section 59 to empower the Financial Commissioner to make rules for fixation of the prices above which any intoxicants shall not be sold or supplied. The proposed delegation is essential and normal in character.

हिमाचल प्रदेश विधान सभा सचिवालय

अधिसूचना

शिनला-171004, 12 दिसम्बर, 1989

संख्या 1-39/89--वि० स०.—हिमाचल प्रदेश विधान सभा प्रक्रिया एवं कार्य संचालन नियमावली, 1973 के नियम 135 के अन्तर्गत पंजाब आवकारी (हिमाचल प्रदेश द्वितीय संशोधन) विधेयक, 1989 (1989 का विधेयक संख्यांक 15) जो दिनांक 12 दिसम्बर, 1989 को हिमाचल प्रदेश विधान सभा में पुरः स्थापित हो गया है, सर्वसाधारण की सूचानार्थ राजपत्र में मुद्रित करने हेतु प्रेषित किया जाता है।

लक्ष्मण सिंह,
सचिव।

1989 का विधेयक संख्यांक 15.

पंजाब आबकारी (हिमाचल प्रदेश द्वितीय संशोधन) विधेयक, 1989

(विधान सभा में यथा पुरःस्थापित)

प्रथम नवम्बर, 1966 से ठीक पूर्व हिमाचल प्रदेश में समाविष्ट क्षेत्रों में, हिमाचल प्रदेश (विधियों का लागू होना) आदेश, 1948 और विलासपुर (विधियों का लागू होना) आदेश, 1949 द्वारा यथा लागू पंजाब आबकारी अधिनियम, 1914 (1914 का पंजाब अधिनियम संख्यांक 1) का और संशोधन करने के लिए विधेयक।

भारत गणराज्य के चालीसवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो:—

1. इस अधिनियम का संक्षिप्त नाम पंजाब आबकारी (हिमाचल प्रदेश द्वितीय संशोधन) अधिनियम, 1989 है।

संक्षिप्त
नाम।

2. प्रथम नवम्बर, 1966 से पूर्व हिमाचल प्रदेश में समाविष्ट क्षेत्रों में यथा प्रवृत्त पंजाब आबकारी अधिनियम, 1914 (जिसे इसमें इसका पश्चात् मूल अधिनियम कहा गया है) की धारा 3 में,—

धारा 3 का
संशोधन।

(क) खण्ड 13 की मद् (iv) में “the Dangerous Drugs Act, 1930”, शब्दों और अंकों के स्थान पर “the Narcotic Drugs and Psychotropic Substances Act, 1985” शब्द और अंक रखे जायेंगे; और

(ख) खण्ड 15 का लोप किया जाएगा।

3. मूल अधिनियम की धारा 7 में “the Sea Customs Act, 1878, the Cantonment Act, 1910, or the Indian Tariff Act, 1994”, शब्दों, चिन्हों और अंकों के स्थान पर “the Customs Act, 1962, the Cantonment Act, 1924, or the Customs Tariff Act, 1975” शब्द, चिन्ह और अंक रखे जायेंगे।

धारा 7 का
संशोधन।

4. मूल अधिनियम की धारा 24 की उप-धारा (2) के स्थान पर निम्नलिखित उप-धारा (2) रखी जाएगी, अर्थात्:—

धारा 24 का
संशोधन।

“(2) Sub-section (1) shall not apply to any intoxicant in the possession of any excise officer, common carrier or warehouse man as such”.

5. मूल अधिनियम की धारा 24 के पश्चात् निम्नलिखित नई धारा 24-ए अन्तःस्थापित की जाएगी, अर्थात्:—

नई धारा
24-ए का
अन्तः
स्थापन।

“24-A. Possession of unused and printed lables, corks, etc. by certain persons to be punishable.—No person shall have in his possession any unused and printed lable, cork, capsule or seal, duly approved by any authority under

this Act or under any rule or order made thereunder for use by a person licensed to establish or work a distillery or brewery or to bottle liquor, or any other label, cork, capsule, or seal which is an imitation of such unused and printed label, cork, capsule, or seal, as the case may be:

Provided that nothing herein shall apply to—

(a) a person licensed to establish or work a distillery or brewery or to bottle liquor; or

(b) a person who, in execution of an order received from a person specified in clause (a), manufactures or prints any such label, cork, capsule or seal."

धारा 26 का संशोधन। 6. मूल अधिनियम की धारा 26 की उप-धारा (3) में आए "except part B States" शब्दों और अक्षरों का लोप कर दिया जायेगा।

धारा 27 का संशोधन। 7. मूल अधिनियम की धारा 27 की उप-धारा (1) में आए "any person" शब्दों के स्थान पर "any man not below the age of twenty-five years" शब्द रखे जायेंगे।

धारा 29 का संशोधन। 8. मूल अधिनियम की धारा 29 में जहाँ कहीं भी आए "eighteen" शब्द के स्थान पर "twenty-five" शब्द रखे जायेंगे।

धारा 30 का संशोधन। 9. मूल अधिनियम की धारा 30 के स्थान पर निम्नलिखित नई धारा 30 रखी जायेगी, अर्थात्:—

"30. *Prohibition of employment of children and of men under the age of twenty one years and of women.*—No person who is licensed to sell any liquor or intoxicating drug for consumption on his premises shall during the hours in which such premises are kept open for business, employ or permit to be employed, either with or without remuneration, any man under the age of twenty-one years or any woman or any child in any part of such premises in which such liquor or intoxicating drug is consumed by the public".

धारा 31 का संशोधन। 19. मूल अधिनियम की धारा 31 के विद्यमान परन्तुक के स्थान पर निम्नलिखित परन्तुक रखा जायेगा, अर्थात्,—

"Provided that the duty shall not be so imposed on any article which has been imported into India and was liable on importation to duty under the Customs Tariff Act, 1975, or the Customs Act, 1962".

1975 का 51

1962 का 52

धारा 36 का संशोधन। 11. मूल अधिनियम की धारा 36 में,—

(क) खण्ड (डो) में "the Dangerous Drugs Act, 1930 or under the Merchandise Marks Act, 1889" शब्दों, चिन्हों और अंकों के स्थान पर "the Narcotic Drugs and Psychotropic Substances Act, 1985, or under the Trade and Merchandise Marks Act, 1958" शब्द, चिन्ह और अंक रखे जायेंगे; और

1930 का 2

1889 का 4

1985 का 61

1958 का 4

(ख) खण्ड (इ) में, "clause (8) of section 167 of the Sea Customs Act, 1878" शब्दों, चिन्हों और अंकों के स्थान पर "section 135 of the Customs Act, 1962" शब्द, चिन्ह और अंक रखे जायेंगे।

1878 का 8

1962 का 52

1878 का 1

12. मूल अधिनियम की धारा 37 में "the Opium Act, 1878" शब्दों, चिन्हों और अंकों के स्थान पर "the Narcotic Drugs and Psychotropic Substances Act, 1985" शब्द, चिन्ह और अंक रखे जायेंगे।

1985 का 61

धारा 37 का संशोधन।

13. मूल अधिनियम की धारा 46 की उप-धारा (2) में, "XIV of the Code of Criminal Procedure, 1898, शब्दों, चिन्हों और अंकों के स्थान पर, "XII of the Code of Criminal Procedure, 1973" शब्द, चिन्ह और अंक रखे जायेंगे।

धारा 46 का संशोधन।

14. मूल अधिनियम की धारा 50 में,—

धारा 50 का संशोधन।

(क) "1898" अंक के स्थान पर "1973" अंक रखे जायेंगे ; और

(ख) द्वितीय परन्तुक में, "Magistrate" शब्द के स्थान पर "Judicial Magistrate" शब्द रखे जायेंगे।

15. मूल अधिनियम की धारा 54 में,—

धारा 54 का संशोधन।

(क) उप-धारा (2) में, प्रथम बार आए, "a Magistrate", शब्दों के स्थान पर, "an Executive Magistrate" शब्द रखे जायेंगे ; और

(ख) उप-धारा (3) में, "any Magistrate," शब्द के स्थान पर "any Executive Magistrate", शब्द रखे जायेंगे।

16. मूल अधिनियम की विद्यमान धारा 57 के स्थान पर, निम्नलिखित नई धारा 57 रखी जायेगी, अर्थात्:—

धारा 57 का प्रतिस्थापन।

"57. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the State Government or any Officer of the State Government or any other person exercising any power or discharging any functions or performing any duties under this Act, for any thing in good faith done or ordered to be done or intended to be done under this Act or any rule or order made thereunder or under any other law for the time being in force relating to the excise revenue."

17. मूल अधिनियम की धारा 59 के खण्ड (एफ) के उप-खण्ड (iii) के पश्चात्, निम्नलिखित नया उप-खण्ड (iii-ए) अन्तःस्थापित किया जायेगा, अर्थात्:—

धारा 59 का संशोधन।

"(iii-a) the price above which any intoxicant shall not be sold or supplied;".

18. मूल अधिनियम की धारा 61 में,—

धारा 61 का संशोधन।

(i) उप-धारा (1) में "two years and with fine which may extend to two thousand rupees, and if found in possession of a working still for the manufacture of any intoxicant shall be punishable with the

minimum sentence of six months imprisonment and fine of two hundred rupees;" शब्दों के स्थान पर "three years and with fine which may extend to five thousand rupees;" शब्द और चिन्ह रखे जायेंगे; और

(ii) उप-धारा (1) में निम्नलिखित परन्तुक जोड़ा जायेगा, अर्थात्:—

"Provided that in the case of an offence relating to the possession of—

- (i) a working still for the manufacture of any intoxicant, such imprisonment shall not be less than one year and such fine shall not be less than five thousand rupees;
- (ii) lahan, such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees;
- (iii) country liquor manufactured otherwise than in a licensed distillery in Himachal Pradesh, in a quantity not exceeding ten bottles, each bottle containing 750 millilitres such, imprisonment shall not be less than three months and such fine shall not be less than five hundred rupees; and in a quantity exceeding ten bottles of the aforesaid capacity, such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees;
- (iv) foreign liquor other than—

- (a) manufactured in a licensed distillery or brewery in India; or
- (b) imported into India on which custom duty is leviable under the Customs Tariff Act, 1975, or the Customs Act, 1962;

51 of 1975
52 of 1962

such imprisonment shall not be less than six months and such fine shall not be less than two thousand rupees."

धारा 62 का
संशोधन।

19. मूल अधिनियम की धारा 62 में,—

(i) विद्यमान शीर्ष के स्थान पर निम्नलिखित रखा जायेगा अर्थात्:—

"Penalty for unlawfully selling to persons under twenty-five or employing them or women or Children".

- (ii) खण्ड (ए) में, "eighteen" शब्द के स्थान पर "twenty-five" शब्द रखे जायेंगे;
- (iii) खण्ड (बी) में, "any child under the age of sixteen years or women" शब्दों के स्थान पर, "any man under the age of twenty-one years or any woman or any child" शब्द रखे जायेंगे; और
- (iv) खण्ड (ई) में "five hundred", शब्दों के स्थान पर "two thousand" शब्द रखे जायेंगे।

धारा 63 का
संशोधन।

20. मूल अधिनियम की धारा 63 में, "one year" और "one thousand" शब्दों के स्थान पर क्रमशः "five years" और "five thousand" शब्द रखे जायेंगे।

21. मूल अधिनियम की धारा 63 के पश्चात्, निम्नलिखित नई धारा 63-ए अन्तः
स्थापित की जायगी, अर्थात्:— धारा 63-ए
का अन्तः
स्थापन।

“63-A. *Penalty for possession of unused and printed labels, corks, etc. in contravention of section 24-A.*—Whoever in contravention of the provisions of section 24-A has in his possession any unused and printed label, cork, capsule or seal, or an imitation thereof shall be punishable with imprisonment for a term which may extend to six months and with fine.”

22. मूल अधिनियम की धारा 64 में “three months” और “five hundred” शब्दों के स्थान पर क्रमशः “one year” और “two thousand” शब्द रखे जायेंगे। धारा 64 का संशोधन।

23. मूल अधिनियम की धारा 66 में,—

धारा 66 का संशोधन।

(क) उप-धारा (1) में “three months and with fine which may extend to one thousand rupees” शब्दों के स्थान पर “one year and with fine which shall not be less than two thousand rupees” शब्द रखे जायेंगे; और

(ख) उप-धारा (2) में “two hundred” शब्दों के स्थान पर “two thousand” शब्द रखे जायेंगे।

24. मूल अधिनियम की धारा 68 में “two hundred rupees” शब्दों के स्थान पर “one thousand rupees” शब्द रखे जायेंगे। धारा 68 का संशोधन।

25. मूल अधिनियम की धारा 68-ए में,—

धारा 68-ए का संशोधन।

(क) प्रथम परन्तुक में “three years and a fine of two thousand rupees” शब्दों के स्थान पर “five years and a fine of five thousand rupees” शब्द रखे जायेंगे; और

(ख) द्वितीय परन्तुक में “three years” शब्दों के स्थान पर “five years” शब्द रखे जायेंगे।

26. मूल अधिनियम की धारा 69-ए की उप-धारा (2) और धारा 71 में, जहाँ कहीं भी आए “1898” अंकों के स्थान पर “1973” अंक रखे जायेंगे। धारा 69-ए और 71 का संशोधन।

27. मूल अधिनियम की धारा 72 में,—

धारा 72 का संशोधन।

(क) “1898” अंक के स्थान पर “1973” अंक रखे जायेंगे; और

(ख) विद्यमान परन्तुक के स्थान पर निम्नलिखित परन्तुक रखा जायेगा, अर्थात्:—

“Provided that the offences punishable under clauses (i) and (ii) of the proviso to sub-section (1) of Section 61 and of possession of country liquor and foreign liquor in a quantity exceeding ten bottles of 750 millilitres capacity each, punishable under clauses (iii) and (iv) of the proviso to sub-section (1) of Section 61 shall be non bailable.”

धारा 73 का संशोधन। 28. मूल अधिनियम की धारा 73 की उप-धारा (4) में "Sections 499 to 502, 513, 514 and 515 of the Code of Criminal Procedure, 1898" शब्दों, अंकों और चिह्नों के स्थान पर "Chapter XXXIII of the Code of Criminal Procedure, 1973" शब्द, चिह्न और अंक रखे जायेंगे।

धारा 75 का संशोधन। 29. मूल अधिनियम की धारा 75 में जहाँ कहीं भी आए "magistrate" शब्दों के स्थान पर "Judicial Magistrate" शब्द रखे जायेंगे।

उद्देश्यों और कारणों का कथन

पंजाब आबकारी अधिनियम, 1914, हिमाचल के पुराने क्षेत्रों में (अर्थात् वे क्षेत्र जो हिमाचल प्रदेश में 1 नवम्बर, 1966 से ठीक पूर्व समाविष्ट थे), हिमाचल प्रदेश (विधियों का लागू होना) आदेश, 1948 और विलासपुर (विधियों का लागू होना) आदेश, 1949 द्वारा लागू है और पंजाब राज्य में 1 नवम्बर, 1966 तक यथा संशोधित पंजाब आबकारी अधिनियम, 1914, नए क्षेत्रों में (अर्थात् पुनर्गठन अधिनियम, 1966 की धारा 5 के अधीन हिमाचल प्रदेश में जोड़ गए क्षेत्र) लागू है। एकरूपता लाने की दृष्टि से समस्त राज्य के लिए इस विषय पर एकीकृत विधि का होना आवश्यक है। संविधान के अनुच्छेद 277 में यह उपबन्ध है कि ऐसा कर जो इस संविधान के प्रारम्भ से ठीक पहले राज्य सरकार या अन्य स्थानीय प्राधिकरण द्वारा विधिपूर्वक उद्गृहीत किया जा रहा था इस बात के होते हुए भी कि वह कर संघ सूची में वर्णित है, तब तक उद्गृहीत किया जाता रहेगा जब तक कि संसद, विधि द्वारा इसके प्रतिकूल उपबन्ध नहीं करती है। पंजाब आबकारी अधिनियम की धारा 16 में यह उपबन्ध है कि किसी भी मादक द्रव्य का, शुल्क के संदाय के पश्चात् के सिवाय, आयात या निर्यात नहीं किया जायेगा। पंजाब आबकारी अधिनियम के पुनः अधिनियमित किए जाने की दशा में राज्य सरकार को पूर्वोक्त अधिनियम की धारा 16 के अधीन अधिरूपित आयात या निर्यात शुल्क/फीस के उद्ग्रहण से प्रोद्भूत राजस्व की पर्याप्त मात्रा से वंचित होना पड़ेगा। अतः 1 नवम्बर, 1966 से ठीक पूर्व हिमाचल प्रदेश में समाविष्ट क्षेत्रों में लागू पंजाब आबकारी अधिनियम, 1914 को बनाए रखना और उसमें संशोधन करना आवश्यक हो गया है।

पंजाब आबकारी अधिनियम, 1914 में निर्दिष्ट कई अधिनियमितियों को निरसित और पुनः अधिनियमित किया गया है। अतः अधिनियम में पुनः अधिनियमित उपबन्धों के निर्देशों का शुद्धिकरण किया जाना अपेक्षित है।

विद्यमान शास्तियों की स्कीम बहुत पहले बनाई गई थी और वर्तमान संदर्भ में रुपये के धीरे-धीरे क्षय होते मूल्य से असंगत हो गई है। बहुत से उपबन्धों का निवारक प्रभाव अत्यधिक क्षीण हो गया है। अधिनियमों के उपबन्धों को अधिक प्रभावी और निवारक बनाने के लिये शास्तियों की प्रमात्रा को बढ़ाना आवश्यक हो गया है।

यह विधेयक उपर्युक्त उद्देश्यों की पूर्ति के लिए है।

शिमला :
12 दिसम्बर, 1989.

राजकृष्ण गोड़,
प्रभारी मन्त्री।

द्वितीय ज्ञापन

विधेयक में नए कर/शुल्क उद्गृहीत करने का प्रस्ताव नहीं है। विधेयक के उपबन्धों के अधिनियमित होने पर उन्हें विद्यमान सरकारी तंत्र द्वारा लागू किया जायेगा। अतः राज्य सरकार को न तो कोई अतिरिक्त आय होगी और न ही कोई अतिरिक्त व्यय अन्तर्बतित होगा।

प्रत्यायोजित विधान सम्बन्धी ज्ञापन

विधेयक के खण्ड 17 द्वारा धारा 59 में संशोधन करके वित्त आयुक्त को ऐसा मूल्य नियत करने के लिए नियम बनाने के लिये सशक्त करना है जिससे अधिक मूल्य पर मादक द्रव्य को बेचा नहीं जा सकता है या उनका प्रदाय नहीं किया जा सकता है। प्रस्तावित प्रत्यायोजन आवश्यक और सामान्य है।

AUTHORITATIVE ENGLISH TEXT

Bill No. 15 of 1989.

THE PUNJAB EXCISE (HIMACHAL PRADESH SECOND AMENDMENT) BILL, 1989

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Punjab Excise Act, 1914 (Punjab Act No. 1 of 1914) as applied to the areas which comprised in Himachal Pradesh immediately before the 1st day of November, 1966, vide Himachal Pradesh (Application of Laws) Order, 1948 and the Bilaspur (Application of Laws) Order, 1949.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fortieth Year of the Republic of India as follows :—

1. This Act may be called the Punjab Excise (Himachal Pradesh Second Amendment) Act, 1989.

Short title.

2. In section 3 of the Punjab Excise Act, 1914, as in force in the areas which comprised in Himachal Pradesh immediately before the 1st day of November, 1966, (hereinafter called the principal Act),—

Amendment of section 3.

(a) in item (iv) of clause (13), for the words and figure “the Dangerous Drugs Act, 1930” the words and figure “the Narcotic Drugs and Psychotropic Substances Act, 1985” shall be substituted; and

(b) clause (15) shall be omitted.

3. In section 7 of the principal Act, for the words, signs and figures “the Sea Customs Act, 1878, the Cantonment Act, 1910 or the Indian Tariff Act, 1894”, the words, signs and figures “the Customs Act, 1962, the Cantonment Act, 1924, or the Customs Tariff Act, 1975”, shall be substituted.

Amendment of section 7.

4. For sub-section (2) of section 24 of the principal Act, the following sub-section (2) shall be substituted, namely :—

Amendment of section 24.

“(2) Sub-section (1) shall not apply to any intoxicant in the possession of any Excise Officer, common carrier or warehouse-man as such”.

5. After section 24 of the principal Act, the following new section 24-A, shall be inserted, namely :—

Insertion of new section 24-A.

“24-A. Possession of unused and printed labels, corks, etc. by certain persons to be punishable.—No person shall have in his possession any unused and printed label, cork, capsule or seal, duly approved by any authority under this Act or under any rule or order made thereunder for use by a person licensed to establish or work a distillery or brewery or to bottle liquor, or

2 of 1930.
61 of 1985.

8 of 1878.
15 of 1910.
8 of 1894.
8 of 1962.
7 of 1924.
51 of 1975.

any other label, cork, capsule, or seal which is an imitation of such unused and printed label, cork, capsule, or seal, as the case may be :

Provided that nothing herein shall apply to—

- (a) a person licensed to establish or work a distillery or brewery or to bottle liquor; or
- (b) a person who, in execution of an order received from a person specified in clause (a), manufactures or prints any such label, cork, capsule or seal.”.

Amendment of section 26. 6. The words and letter “except Part B States” occurring in sub-section (3) of section 26 of the principal Act, shall be omitted.

Amendment of section 27. 7. For the words “any person” occurring in sub-section (1) of section 27 of the principal Act, the words “any man not below the age of twenty-five years” shall be substituted.

Amendment of section 29. 8. For word “eighteen” wherever it occurs in section 29 of the principal Act, the word “twenty-five” shall be substituted.

Substitution of section 30. 9. For section 30 of the principal Act, the following new section 30 shall be substituted, namely :—

“30. *Prohibition of employment of children and of men under the age of twenty-one years and of women.*—No person who is licensed to sell any liquor or intoxicating drug for consumption on his premises shall during the hours in which such premises are kept open for business, employ or permit to be employed, either with or without remuneration, any man under the age of twenty-one years or any woman or any child in any part of such premises in which such liquor or intoxicating drug is consumed by the public.”.

Amendment of section 31. 10. For the existing proviso of section 31 of the principal Act, the following proviso shall be substituted, namely :—

“Provided that the duty shall not be so imposed on any article which has been imported into India and was liable on importation to duty under the Customs Tariff Act, 1975, or the Customs Act, 1962.”

51 of 1975,
52 of 1962

Amendment of section 36. 11. In section 36 of the principal Act, —

- (a) in clause (d), for the words, signs and figures “the Dangerous Drugs Act, 1930, or under the Merchandise Marks Act, 1889” the words, signs and figures “the Narcotic Drugs and Psychotropic Substances Act, 1985, or under the Trade and Merchandise Marks Act, 1958” shall be substituted; and
- (b) in clause (e), for the words, sign and figures, “clause (8) of section 167 of the Sea Customs Act, 1878” the words, sign and figures, “section 135 of the Customs Act, 1962” shall be substituted.

2 of 1930.
4 of 1889.

61 of 1985.
43 of 1958.

8 of 1878,
52 of 1962.

Amendment of section 37. 12. In section 37 of the principal Act, for the words, sign and figures “the Opium Act, 1878”, the words, sign and figures “the Narcotic Drugs and Psychotropic Substances Act, 1985” shall be substituted.

1 of 1878.
61 of 1985.

5 of 1898.
2 of 1974.

13. In sub-section (2) of section 46 of the principal Act, for the words, sign and figures "XIV of the Code of Criminal Procedure, 1898", the words, sign and figures "XII of the Code of Criminal Procedure, 1973" shall be substituted.

Amendment
of section
46.

14. In section 50 of the principal Act,—

Amendment
of section
50.

- (a) for the figures "1898", the figures "1973" shall be substituted; and
- (b) in second proviso, for the word "Magistrate", the words "Judicial Magistrate" shall be substituted.

15. In section 54 of the principal Act,—

Amendment
of section
54.

- (a) in sub-section (2), for the words "a Magistrate" occurring for the first time, the words "an Executive Magistrate" shall be substituted; and
- (b) in sub-section (3), for the words "any Magistrate", the words "any Executive Magistrate" shall be substituted.

16. For the existing section 57 of the principal Act, the following new section 57 shall be substituted, namely:—

Substitution
of section
57.

"57. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the State Government or any Officer of the State Government or any other person exercising any power or discharging any functions or performing any duties under this Act, for any thing in good faith done or ordered to be done or intended to be done under this Act or any rule or order made thereunder or under any other law for the time being in force relating to the excise revenue."

17. After sub-clause (iii) of clause (f) of section 59 of the principal Act, the following new sub-clause (iii-a) shall be inserted, namely:—

Amendment
of section
59.

"(iii-a) the price above which any intoxicant shall not be sold or supplied;"

18. In section 61 of the principal Act,—

Amendment
of section
61,

- (i) in sub-section (1) for the words "two years and with fine which may extend to two thousand rupees, and if found in possession of a working still for the manufacture of any intoxicant shall be punishable with the minimum sentence of six months' imprisonment and fine of two hundred rupees;" the words and sign "three years and with fine which may extend to five thousand rupees;" shall be substituted; and
- (ii) to sub-section (1), the following proviso shall be added, namely:—

"Provided that in the case of an offence relating to the possession of—

- (i) a working still for the manufacture of any intoxicant, such imprisonment shall not be less than one year and such fine shall not be less than five thousand rupees;
- (ii) lahan, such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees;

(iii) country liquor manufactured otherwise than in a licensed distillery in Himachal Pradesh, in a quantity not exceeding ten bottles, each bottle containing 750 millilitres, such imprisonment shall not be less than three months and such fine shall not be less than five hundred rupees; and in a quantity exceeding ten bottles of the aforesaid capacity, such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees;

(iv) foreign liquor other than—

(a) manufactured in a licensed distillery or brewery in India; or

(b) imported into India on which custom duty is leviable under the Customs Tariff Act, 1975, or the Customs Act, 1962;

such imprisonment shall not be less than six months and such fine shall not be less than two thousand rupees.”

51 of 1975.

52 of 1962.

Amendment
of section
62.

19. In section 62 of the principal Act—

(i) for the existing heading, the following shall be substituted, namely :—

“Penalty for unlawfully selling to persons under the age of twenty-one or employing them or women or children”;

(ii) in clause (a) for the word “eighteen”, the word “twenty-five” shall be substituted;

(iii) in clause (b), for the words “any child under the age of sixteen years or woman” the words “any man under the age of twenty-one years or any woman or any child” shall be substituted; and

(iv) after clause (c) for the words “five hundred”, the words “two thousand” shall be substituted.

Amendment
of section
63.

20. In section 63 of the principal Act, for the words “one year” and “one thousand”, the words “five years” and “five thousand” shall respectively be substituted.

Insertion of
section 63-A.

21. After section 63 of the principal Act, the following new section 63-A shall be inserted, namely :—

“63-A. Penalty for possession of unused and printed labels, corks, etc. in contravention of section 24-A.—Whoever in contravention of the provisions of section 24-A has in his possession any unused and printed label, cork, capsule or seal, or an imitation thereof, shall be punishable with imprisonment for a term which may extend to six months and with fine.”

Amendment
of section
64.

22. In section 64 of the principal Act, for the words “three months” and “five hundred”, the words “one year” and “two thousand” shall respectively be substituted.

Amendment
of section
66.

23. In section 66 of the principal Act,—

(a) in sub-section (1), for the words “three months and with fine which may extend to one thousand rupees”, the words “one year and with fine which shall not be less than two thousand rupees” shall be substituted; and

(b) in sub-section (2) for the words "two hundred", the words "two thousand" shall be substituted.

24. In section 68 of the principal Act, for the words "two hundred rupees" the words "one thousand rupees" shall be substituted.

Amendment
of section
68.

25. In section 68-A of the principal Act,—

Amendment
of section
68-A.

(a) in the first proviso for the words "three years and a fine of two thousand rupees", the words "five years and a fine of five thousand rupees" shall be substituted; and

(b) in the second proviso for the words "three years", the words "five years" shall be substituted.

26. In sub-section (2) of section 69-A and section 71 of the principal Act, for the figure "1898" wherever it occurs, the figure "1973" shall be substituted.

Amendment
of sections
69-A and
71.

27. In section 72 of the principal Act,—

Amendment
of section
72.

(a) for the figure "1898", the figure "1973" shall be substituted; and

(b) for the existing proviso, the following proviso shall be substituted, namely :—

"Provided that the offences punishable under clauses (i) and (ii) of the proviso to sub-section (1) of section 61 and of possession of country liquor and foreign liquor in a quantity exceeding ten bottles of 750 millilitres capacity each, punishable under clauses (iii) and (iv) of the proviso to sub-section (1) of section 61 shall be non-bailable."

28. In sub-section (4) of section 73 of the principal Act, for the words, figures and signs, "sections 499 to 502, 513, 514 and 515 of the Code of Criminal Procedure, 1898", the words, sign and figures "Chapter XXXIII of the Code of Criminal Procedure, 1973", shall be substituted.

Amendment
of section
73.

29. In section 75 of the principal Act, for the word "magistrate", wherever it occurs the words "Judicial Magistrate" shall be substituted.

Amendment
of section
75.

STATEMENT OF OBJECTS AND REASONS

The Punjab Excise Act, 1914 is applicable to the old areas of Himachal (*i.e.* the areas which comprised in Himachal Pradesh immediately before the 1st day of November, 1966 *vide* Himachal Pradesh (Application of Laws) Order, 1948 and the Bilaspur (Application of Laws) Order, 1949 and the Punjab Excise Act, 1914, as amended in the Punjab State upto 1st November, 1966, is applicable to the new areas (*i.e.* areas added to Himachal Pradesh under section 5 of Re-organisation Act, 1966). With a view to bringing about uniformity, it is necessary to have a unified law on the subject for the entire Himachal Pradesh. Article 277 of the Constitution of India provides that any tax which, immediately before the commencement of the Constitution, was being lawfully levied by the State Government or by any local authority, may, notwithstanding that tax is mentioned in the Union List, continue to be levied until provision to the contrary is made by the Parliament by law. Section 16 of the Punjab Excise Act, 1914 provides that no intoxicants shall be imported/exported except after the payment of duty. In case the Punjab Excise Act is re-enacted, the State Government may have to lose considerable revenue accruing to it on account of the levy of import/export duty/fee imposed under section 16 of the Act *ibid*. It has, therefore, become necessary to retain and amend the Punjab Excise Act, 1914 in its application to the areas which comprised in Himachal Pradesh immediately before 1st November, 1966.

Many enactments referred to in the Punjab Excise Act, 1914 have been repealed and re-enacted and as such the references to re-enacted provisions in the Acts are required to be corrected.

The scheme of existing penalties was devised much before and in the present day context has become incongruous with the eroding value of rupee. The deterrent effect of many of the provisions has grossly diluted. It has also become necessary to increase the quantum of penalties to make the provisions of the Act more effective and deterrent.

The Bill seeks to achieve the aforesaid objectives.

RAJ KRISHAN GAUR,
Minister-in-Charge.

Shimla:

The 12th December, 1989

FINANCIAL MEMORANDUM

The Bill does not propose to levy fresh taxes/duties. The provisions of the Bill, when enacted, are to be enforced through the existing Government machinery. As such there will be no extra income to the State Government and no additional expenditure will be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 seeks to amend section 59 to empower the Financial Commissioner to make rules for fixation of the price above which any intoxicants shall not be sold or supplied. The proposed delegation is essential and normal in character.

हिमाचल प्रदेश विधान सभा सचिवालय

अधिसूचना

शिमला-171005, 13 दिसम्बर, 1989

संख्या 1-41/89—वि०स०.—हिमाचल प्रदेश विधान सभा प्रक्रिया एवं कार्य संचालन नियमावली, 1973 के नियम 135 के अन्तर्गत हिमाचल प्रदेश विधान सभा (सदस्यों के भत्ते और पेंशन) (द्वितीय संशोधन) विधेयक, 1989 (1989 का विधेयक संख्यांक 16) जो दिनांक 13 दिसम्बर, 1989 को हिमाचल प्रदेश विधान सभा में पुरःस्थापित हो गया है, सर्वसाधारण की सूचनार्थ राजपत्र में मुद्रित करन हतु प्रेषित किया जाता है।

लक्ष्मण सिंह,
सचिव।

1989 का विधेयक संख्यांक 16

हिमाचल प्रदेश विधान सभा (सदस्यों के भत्ते और पेन्शन) (द्वितीय संशोधन) विधेयक, 1989

(विधान सभा में यथा पुरःस्थापित)

हिमाचल प्रदेश विधान सभा (सदस्यों के भत्ते और पेन्शन) अधिनियम, 1971 (1971 का 8) का और संशोधन करने के लिए विधेयक।

भारत गणराज्य के चालीसवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो:—

1. (1) इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश विधान सभा (सदस्यों के भत्ते और पेन्शन) (द्वितीय संशोधन) अधिनियम, 1989 है। संक्षिप्त नाम और प्रारम्भ।

(2) यह फरवरी, 1989 के सातवें दिन से प्रवृत्त हुआ समझा जाएगा।

2. हिमाचल प्रदेश विधान सभा (सदस्यों के भत्ते और पेन्शन) अधिनियम, 1971 की धारा 6-ख में:— धारा 6-ख का संशोधन।

(क) उप-धारा (1-अ) में,—

(1) खण्ड “(i) और (ii)”, के स्थान पर निम्नलिखित खण्ड रखा जाएगा, अर्थात्:—

(i) “यदि उसने एक वर्ष से अधिक किन्तु तीन वर्ष से कम अवधि के लिए सेवा की है तो तीन सौ पचहत्तर रुपये प्रति मास, और”;

(2) खण्ड (iii) को खण्ड (ii) के रूप में पुनः संख्यांकित किया जाएगा।

(ख) उप-धारा (5) में “उप-धारा (1)”, शब्द, कोष्ठक और अंक के स्थान पर “(उप-धाराएं (1) और (1-अ))” शब्द, कोष्ठक और अंक रखे जाएंगे; और

(ग) इस प्रकार संशोधित उप-धारा (5) के पश्चात्, निम्नलिखित उप-धारा (5-अ) अन्तःस्थापित की जायेगी, अर्थात्:—

“(5-अ) इस धारा में किसी बात के प्रतिकूल होते हुए भी, जहां कोई व्यक्ति उप-धारा (1) या उप-धारा (1-अ) के अधीन पेन्शन लेने का हकदार हो गया होता, किन्तु फरवरी, 1989 के सातवें दिन से पूर्व उसकी मृत्यु हो जाने के कारण वह ऐसी पेन्शन नहीं ले सका वहां उसकी पत्नी/पति, अवयस्क संतान या अविवाहित पुत्रियां उप-धारा (5) के अधीन पेन्शन लेने के हकदार होंगे, मानो कि ऐसा व्यक्ति फरवरी, 1989 के सातवें दिन को जीवित था।”

उद्देश्यों और कारणों का कथन

हिमाचल प्रदेश विधान सभा (सदस्यों के भत्ते और पेन्शन) अधिनियम, 1971 की धारा 6-ख की उप-धारा (1-अ) के अनुसार, हिमाचल प्रदेश विधान सभा का ऐसा भूतपूर्व विधायक जिसने एक वर्ष से अधिक लेकिन दो वर्ष से कम अवधि के लिए और ऐसा भूतपूर्व विधायक जिसने दो वर्ष से अधिक किन्तु तीन वर्ष से कम अवधि के लिए सेवा की है, क्रमशः 166 रुपये और 333 रुपये प्रतिमास अर्थात् 500 रुपये की एक तिहाई या दो तिहाई पेन्शन प्रतिमास प्राप्त करने का हकदार है। किन्तु सरकारी कर्मचारियों और भूतपूर्व विधायकों की विधवाओं के मामले में सरकार ने तीन सौ पचहत्तर रुपये प्रतिमास न्यूनतम पेन्शन नियत की है। इसलिए ऐसे भूतपूर्व विधायकों को तीन सौ पचहत्तर रुपये प्रतिमास न्यूनतम पेन्शन प्राप्त करने के लिए पात्र बनाया जाना आवश्यक है।

इसके अलावा, यह देखा गया है कि विद्यमान उपबन्धों के अधीन, उन भूतपूर्व विधायकों की विधवाएं, बच्चे और अविवाहित पुत्रियां जो उक्त अधिनियम की धारा 6-ख की उप-धारा (1-अ) के अधीन पेन्शन लेने के हकदार हैं और उन भूतपूर्व विधायकों की विधवाएं, बच्चे और अविवाहित पुत्रियां जिन्होंने 1-11-1966 के पश्चात् विधान सभा का प्रतिनिधित्व किया और जिनकी मूल अधिनियम की धारा 6-ख में उप-धारा (1-अ) के अन्तःस्थापन से पूर्व 4 वर्ष 9 मास की अवधि पूरी किए बिना मृत्यु हो गई, किसी कुटुम्ब पेन्शन का दावा करने के पात्र नहीं हैं। इसलिए मूल अधिनियम में संशोधन करना आवश्यक हो गया है।

यह विधेयक उपरोक्त उद्देश्यों की पूर्ति के लिए है।

वीरभद्र सिंह,
मुख्य मन्त्री।

शिमला:

13-12-1989

वित्तीय ज्ञापन

विधेयक के खण्ड 2 में उपबन्ध किया जा रहा है कि हिमाचल प्रदेश विधान सभा के उस सदस्य को जिसने एक वर्ष से अधिक किन्तु तीन वर्ष से कम अवधि के लिए सेवा की है और उसकी मृत्यु की दशा में, उसके परिवार को उन्हीं दरों पर न्यूनतम तीन सौ पचहत्तर रुपये प्रतिमास की दर से 7 फरवरी, 1989 से पेन्शन संदत्त की जाएगी जिन पर सरकारी पेन्शन भोगियों को यह अनुज्ञेय है। विधेयक में अन्तर्विष्ट उपबन्धों के अधिनियमित होने पर राज्य कोष से लगभग 4,600 रुपये प्रति वर्ष का अतिरिक्त आवर्ती और 7 फरवरी, 1989 से 28 फरवरी, 1990 तक की अवधि के लिए बकाया संदत्त करने के लिए लगभग 4,956 रुपए (4,200 रुपये अनावर्ती और 756 रुपए आवर्ती) का व्यय अन्तर्वलित होगा।

प्रत्यायोजित विधान सम्बन्धी ज्ञापन

—शून्य—

भारत के संविधान के अनुच्छेद 207 के अधीन राज्यपाल की सिफारिश

फाइल सं० जी.ए.डी. (पी.ए.)-4(डी) 24/89

हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश विधान सभा (सदस्यों के भत्ते और पेन्शन) (द्वितीय संशोधन) विधेयक, 1989 की विषयवस्तु के बारे में सूचित किय जाने के पश्चात्, भारत के संविधान के अनुच्छेद 207 के अधीन, विधेयक को विधान सभा में पुरः स्थापित करने और उस पर विचार करने की सिफारिश करते हैं।

[Authoritative English text of the Himachal Pradesh Vidhan Sabha (Sadasyon ke Bhatte aur Pension) (Devita Sanshodhan) Vidheyak, 1989 (1989 ka Vidheyak Sankhyani: 16) as required under Clause (3) of Article 348 of the Constitution of India].

Bill No. 16 of 1989.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY
(ALLOWANCES AND PENSION OF MEMBERS) (SECOND
AMENDMENT) BILL, 1989**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fourtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Second Amendment) Act, 1989.

Short title
and comm-
encement.

(2) It shall be deemed to have come into force with effect from 7th day of February, 1989.

2. In section 6-B of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971,—

Amendment
of section
6-B.

(a) in sub-section (1-A),—

(1) for clauses (i) and (ii), the following clause shall be substituted, namely:—

“(i) if he has served for a period exceeding one year but less than three years, the sum of rupees three hundred and seventy five per mensem; and”;

(2) clause (iii) shall be re-numbered as clause (ii);

(b) in sub-section (5), for the word, brackets and figure “sub-section (1)”, the words, brackets and figures “sub-sections (1) and (1-A)” shall be substituted; and

(c) after sub-section (5) so amended, the following sub-section (5-A) shall be inserted, namely:—

“(5-A) Notwithstanding anything to the contrary contained in this section, where a person would have been entitled to draw pension under sub-section (1) or sub-section (1-A) of this section but for his death before the 7th day of February, 1989 he could not draw such pension, his spouse, minor children or un-married daughters shall be entitled to draw pension under sub-section (5), as if such person was alive on 7th day of February, 1989”.

STATEMENT OF OBJECTS AND REASONS

According to sub-section (1-A) of section 6-B of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971, an *ex*-legislator of the Himachal Pradesh Legislative Assembly who has served for a period exceeding one year but less than two years and an *ex*-legislator who has served for a period exceeding two years but less than three years, is entitled to receive a pension of Rs. 166/- p.m. and Rs. 333/- p.m. respectively *i.e.* 1/3rd and 2/3rd of Rs. 500/- p.m. But in case of Government employees and widows of *ex*-legislators, the Government has fixed the minimum pension of Rs. 375/- p.m. It is, therefore, necessary to make such *ex*-legislators eligible to draw a minimum pension of Rs. 375/- p.m.

Apart from this, it is observed that under the existing provisions the widows, children and un-married daughters of the *ex*-legislators who are entitled to draw pension under sub-section (1-A) of section 6-B of the said Act and the widows, children and un-married daughters of *ex*-legislators who represented in the Assembly constituted after 1-11-1966 and died without completing the term of 4 years and 9 months prior to the date when sub-section (1-A) was inserted in section 6-B in the principal Act, are not eligible to claim any family pension. This has necessitated the amendments in the principal Act.

This Bill seeks to achieve the aforesaid objectives.

SHIMLA:
The 13 December, 1989.

VIRBHADRA SINGH,
Chief Minister.

FINANCIAL MEMORANDUM

Clause-2 of the Bill seeks to provide that a member of the Himachal Pradesh Legislative Assembly, who has served for a period exceeding one year but less than three years and in the event of their death their families shall be paid, with effect from 7th February, 1989, a minimum pension of rupees three hundred and seventy five per mensem at the same rates as are admissible to Government pensioners. The provision contained in the Bill when enacted will involve an additional recurring expenditure to the tune of Rs. 4,600/- per annum approximately and a sum of Rs. 4,956/- (Non-recurring Rs. 4,200/- and recurring Rs. 756/-) approximately out of the State ex chequer to pay the arrears for the period from 7-2-1989 to 28-2-1990.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil

RECOMMENDATION OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[File No. GAD(PA)-4(D)-24/89]

The Governor of Himachal Pradesh, having been informed of the subject matter of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Second Amendment) Bill, 1989, recommends, under Article 207 of the Constitution of India, the introduction and consideration of the Bill in the Legislative Assembly.

नियन्त्रक, मुद्रण तथा लेखन सामग्री, हिमाचल प्रदेश, शिमला-5 द्वारा मुद्रित तथा प्रकाशित ।



राजपत्र, हिमाचल प्रदेश

(अमाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार १६ दिसम्बर, १९८९/२५ अग्रहायण, १९११

हिमाचल प्रदेश सरकार

Series: E, F, G & H.

Numbering: 000001 to 999999.

HIMACHAL PRADESH STATE LOTTERIES

HIMACHAL WEEKLY

Result of 66th draw held at Shimla on 7-12-1989 in the presence of Judges.

First Prize: (1) Rs. 2,50,000/- (Common to all series) :

G-577030

Second Prize: (1) Rs. 50,000/- (Common to all series) :

G-786934

Third Prize: (4) Rs. 5,000/- each (One from each series) :

E-684520

F-550600

G-927967

H-018710

Fourth Prize: (400) Rs. 500/- each (Last five digits applicable to all series):

90949

46755

02276

44178

74199

36107

74330

04929

67386

88905

Fifth Prize: (4000) Rs. 50/- each (Last four digits applicable to all series):

2963

2529

8215

7671

2209

6817

2437

1972

5526

3559

Sixth Prize: (4000) Rs. 20/- each (Last four digits applicable to all series):

7977	7455	2024	4433	2039
6586	7176	3444	4115	4574

Seventh Prize: (40000) Rs. 15/- each (Last three digits applicable to all series):

060	184	209	391	489
594	694	740	814	975

The Directorate of State Lotteries will not be responsible for any mistake in printing. All ticket holders are advised to check the numbers in the State Gazette. For preferring claims of prizes, please follow instructions on the reverse of the lottery tickets.

For terms and conditions of Lottery Agency, please contact our Organising Agent :

M/s IQBAL CHAND KHURANA,
B-56, LAJPAT NAGAR-I,
NEW DELHI.

SHIMLA-171 002:
The 7th December, 1989.

Sd/-
Deputy Director,
H. P. State Lotteries.

Numbering: 000000 to 999999

Series: MT, MU & MW.

HIMACHAL PRADESH STATE LOTTERIES

MAN DURGA SUPER WEEKLY

Result of 6th draw held at Shimla on 7-12-1989 in the presence of Judges.

First Prize : (1) Rs. 1,00,000/- MW-394797
(Common to all series).

Second Prize : (1) Rs. 5,000/- MT-474126
(Common to all series).

Third Prize : (29) Rs. 500/- each 94797
(Last five digits of first prize
number applicable to all series).

Fourth Prize : (270) Rs. 50/- each 4797
(Last four digits of first prize
number applicable to all series).

Fifth Prize : (2700) Rs. 10/- each 797
(Last three digits of first prize
number applicable to all
series).

Sixth Prize : (29700) Rs. 7/- each 7
(Last one digit of first prize
number applicable to all series).

The Directorate of H. P. State Lotteries shall not be responsible for any mistake in printing. All ticket holders are advised to check the numbers in the State Gazette. For preferring the claims of prizes, please follow instructions on the reverse of the lottery tickets.

MAN DURGĀ SUPER WEEKLY
DRAW ON EVERY THURSDAY
NEXT DRAW ON 14-12-1989

Organising Agent :
M/s BHARTI AGENCY,
142- BHAGAT SINGH MARKET,
NEW DELHI-110001.

SHIMLA-171 002:
The 7th December, 1989.

Sd/-
Deputy Director,
H. P. State Lotteries.

Numbering: 100000 to 399999
Series: GD, GE, GG & GH.

HIMACHAL PRADESH STATE LOTTERIES

GOLDEN WEEKLY

Result of 84th draw held at Shimla on 8-12-1989 in the presence of Judges.

First Prize : (1) Rs. 2,00,000.00 (Common to all series).	GE-134759
Second Prize : (1) Rs. 5,000.00 (Same number of First Prize in the next series).	GG-134759
Third Prize: (118) Rs. 250.00 each (Last four digits of First Prize number applicable to all series).	4759
Fourth Prize: (1080) Rs. 50.00 each (Last three digits of First Prize number applicable to all series).	759
Fifth Prize : (118800) Rs. 35.00 each (Last one digit of First Prize number applicable to all series).	9

The Directorate of State Lotteries will not be responsible for any mistake in printing. All ticket holders are advised to check the numbers in the State Gazette. For preferring claims of prizes, please follow instructions on the reverse of the lottery tickets.

GOLDEN WEEKLY
DRAW ON EVERY FRIDAY
NEXT DRAW ON 15-12-1989 AT 3 P.M.

For terms and conditions of Lottery Agency, please contact our Organising Agent :

M/s MARWAH AGENCY,
R-831, NEW RAJINDER NAGAR,
(OPP. R-BLOCK TAXI STAND),
NEW DELHI.

SHIMLA-171 002:
The 8th December, 1989.

Sd/-
Deputy Director,
H. P. State Lotteries.

Numbering : 100000 to 599999

Series: SE, SG, SH & SJ.

HIMACHAL PRADESH STATE LOTTERIES**SHIMLA SUPER WEEKLY**

Result of 7th draw held at Shimla on 10-12-1989 in the presence of Judges.

First Prize: (1) Rs. 1,00,000.00
(Common to all series).

SG-206701

Second Prize: (3) Rs. 1,000.00 each
(Same number of first prize
in the other series).

SE-206701

SH-206701

SJ-206701

Third Prize: (16) Rs. 500.00 each
(Last five digits of the first prize
number applicable to all series).

06701

Fourth Prize: (180) Rs. 50.00 each
(Last four digits of first prize
number applicable to all series).

6701

Fifth Prize: (1800) Rs. 20.00 each
(Last three digits of first prize
number applicable to all series).

701

Sixth Prize: (198000) Rs. 15.00 each
(Last one digit of first prize
number applicable to all series).

1

The Directorate of State Lotteries will not be responsible for any mistake in printing. All ticket holders are advised to check the numbers in the State Gazette. For preferring the claims of prizes, please follow instructions on the reverse of the lottery tickets.

SHIMLA SUPER WEEKLY**DRAW ON EVERY SUNDAY****NEXT DRAW ON 17-12-1989***Organising Agent :*

M/s SAT DEV BHARTI,
11-MOHAN SINGH PLACE,
NEW DELHI-110001.

SHIMLA-171 002:
The 10th December, 1989.

Sd/-
Deputy Director,
H. P. State Lotteries.

Numbering : 100000 to 299999

Series : HP, HQ, HS and HT.

HIMACHAL PRADESH STATE LOTTERIES

SUPER HIMALAYAN WEEKLY

Result of 9th draw held at Shimla on 10-12-1989 in the presence of Judges.

First Prize : (1) Rs. 1,00,000.00 (Common to all series).	HP-246591
Second Prize: (1) Rs. 5,000.00 (Same number of First Prize in the next series).	HQ-246591
Third Prize: (6) Rs. 500.00 each (Last five digits of First Prize number applicable to all series).	46591
Fourth Prize : (72) Rs. 100.00 each (Last four digits of First Prize number applicable to all series).	6591
Fifth Prize : (720) Rs. 50.00 each (Last three digits of First Prize number applicable to all series).	591
Sixth Prize: (79200) Rs. 40.00 each (Last one digit of First Prize num- ber applicable to all series).	1

The Directorate of State Lotteries will not be responsible for any mistake in printing. All ticket holders are advised to check the numbers in the State Gazette. For preferring claims of prizes, please follow instructions on the reverse of the lottery tickets.

SUPER HIMALAYAN WEEKLY

DRAW ON EVERY SUNDAY

NEXT DRAW ON 17-12-1989 at 3.00 P.M.

For terms and conditions of Lottery Agency, please contact our Organising Agent :

M/s MARWAH AGENCY,
R-831, NEW RAJINDER NAGAR,
(OPP. F-BLOCK TAXI STAND),
NEW DELHI.

SHIMLA-171 002 :
The 10th December, 1989.

Sd/-
Deputy Director,
H. P. State Lotteries.

Numbering : 100000 to 299999

Series : GSK, GSL, GSM & GSN

HIMACHAL PRADESH STATE LOTTERIES**GOLDEN SUPER WEEKLY**

Result of 13th draw held at Shimla on 11-12-1989 in the presence of Judges.

First Prize: (1) Rs. 1,00,000.00
(Common to all series).

GSM-156662

Second Prize: (1) Rs. 5,000.00
(Same number of First Prize
in the next series).

GSN-156662

Third Prize: (6) Rs. 500.00 each
(Last five digits of First Prize
number applicable to all series).

56662

Fourth Prize: (72) Rs. 100.00 each
(Last four digits of First Prize
number applicable to all series).

6662

Fifth Prize: (720) Rs. 50.00 each
(Last three digits of First Prize
number applicable to all series).

662

Sixth Prize: (79200) Rs. 40.00 each
(Last one digit of First Prize
number applicable to all series).

2

The Directorate of State Lotteries will not be responsible for any mistake in printing. All ticket holders are advised to check the numbers in the State Gazette. For preferring claims of prizes, please follow instructions on the reverse of the lottery tickets.

GOLDEN SUPER WEEKLY**DRAW ON EVERY MONDAY****NEXT DRAW ON 18-12-1989**

For terms and conditions of Lottery Agency, please contact our Organising Agent :

M/s MARWAH AGENCY,
R-831, NEW RAJINDER NAGAR,
(OPP. R-BLOCK TAXI STAND),
NEW DELHI.

SHIMLA-171 002:
The 11th December, 1989.

Sd/-
Deputy Director,
H. P. State Lotteries.

Numbering : 100000 to 699999

Series : A, B and C

HIMACHAL PRADESH STATE LOTTERIES

SHIMLA INSTANT WEEKLY

Result of 67th draw held at Shimla on 11-12-1989 in the presence of Judges.

First Prize : (1) Rs. 1,00,000.00 (Common to all series):

C-164959

Second Prize: (3) Rs. 5,000.00 each (Following numbers applicable in the respective series):

A	B	C
398744	454847	405642

Third Prize: (180) Rs. 500.00 each (All tickets ending with last five digits applicable to all series);

94364	25704	67796	02556	33006
75168	98850	74953	24669	49351

Fourth Prize : (180) Rs. 250.00 each (All tickets ending with last five digits applicable to all series):

54555	02361	51849	34695	38555
04191	83162	67804	08848	02896

Fifth Prize : (180) Rs. 100.00 each (All tickets ending with last five digits applicable to all series):

91869	11869	18727	34895	94398
15346	76750	44101	24357	61751

Sixth Prize : (3600) Rs. 50.00 each (All tickets ending with last four digits applicable to all series):

5701	5172	8338	8802	9746
5675	9964	7962	1937	4252
6757	7721	8201	2550	0099
2398	9708	7976	0832	6734

Seventh Prize : (3600) Rs. 20.00 each (All tickets ending with last four digits applicable to all series):

6049	7801	4491	5739	9979
3661	0897	2898	7932	4156
9830	7272	5239	1745	1673
5840	7105	9801	0244	1291

Eighth Prize : (18000) Rs. 10.00 each (All tickets ending with last three digits applicable to all series):

011	126	207	312	457
546	636	767	841	914

Ninth Prize : (72000) Rs. 5.00 each (All tickets ending with last three digits applicable to all series):

097	052	040	022
104	143	159	154
299	282	272	208
373	324	397	363
435	436	413	444
540	527	567	590

697	650	638	618
736	731	749	755
861	877	868	817
972	904	927	931

Tenth Prize: (360000) Rs. 2.00 each (All tickets ending with last two digits applicable to all series):

01	00	18	15	22
27	31	33	48	45
56	54	65	63	79
76	85	84	91	95

Numbering from 10000 to 27999

HIMACHAL PRADESH STATE LOTTERIES **SHIMLA INSTANT WEEKLY** **AGENTS INSTANT WEEKLY COUPON**

Number of Draw 67th

Date of Draw : 11-12-1989

First Prize: (1) Rs. 5,000.00 (With last five digits)	11096
Second Prize : (1) Rs. 500.00 (Last four digits of First Prize number).	1096
Third Prize : (16) Rs. 50.00 each (Last three digits of First Prize number).	096
Fourth Prize : (162) Rs. 25.00 each (Last two digits of First Prize number).	96
Fifth Prize : (1620) Rs. 20.00 each (Last one digit of First Prize number).	6
Sixth Prize: (16200) Rs. 17.00 each (All the remaining coupons).	—

The Directorate of State Lotteries shall not be responsible for any mistake in printing. All ticket holders are advised to check the numbers in the State Gazette. For preferring the claims of prizes, please follow the instructions on the reverse of the lottery ticket.

SHIMLA INSTANT WEEKLY
DRAW ON EVERY MONDAY
NEXT DRAW ON 18-12-1989

Organising Agent :

M/s VIMAL AGENCY,
 97- SOUTH MAREET STREET,
 MADURAI-625001.

SHIMLA-171 002 :
 The 11th December, 1989.

Sd/-
 Deputy Director,
 H. P. State Lotteries.